G.R.S. 57.] 1½ copies

OFFICE OF THE SUPERINTENDENT
No. 4477
25-5-12
BANGALORE
GOVERNMENT

File No. 35 — 10

Serial Nos. 1—6

1510 – 1511
~~190~~

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

Part A: Manuscript
for April 1512

Regulation for the Protection of Judicial Officers in Mysore

Serial Nos. 1—6

1. Do. № 2248 dated the 3rd May 1911 from Mr. T. Ananda Rao B.A.C.S. Dewan to C.R. Wright Esq. C.S. & C.R. Resident in Mysore

Forwards a copy of a Bill to provide a law for the greater protection from civil liability of magistrates and other officers in Mysore when acting in a judicial capacity with a statement of objects and reasons and

GPB—5,000—20-3-06.

1/2

states that it is proposed to place it before the Legislative Council in due Course.

2. D.O Nr 2939 dated the 16th May 1911 from Mr J Richards to Mr 2 Anandacharlu Dewan

States that there is no objection to the Bill being placed before the Legislative Council as proposed.

3. Letter No. 449 of the 17th November 1911 from the Secretary to the Govt of India Foreign Dept to the ~~Chief~~ Asst Resident in Mysore

Forwards a Copy of the Bill as finally passed by the Legislative Council and requests that the sanction of the Govt of India may be obtained for it's being passed into Law

4. Letter Nr 324 dated the 17th Jan 1912 from the Asst Resident in Mysore to the Dewan.

Conveys the sanction of the Govt of India subject to the usual reservation of power.

5. G.O. Nr 227 28 Leg 35-10-5 of the 16th March 1912 to the Comptroller, Mysore Gazette

Directs the publication of the Bill as Regulation Nr I of 1912

6. Letter No Nr 868 of the 18th April 1912 from the Secretary to Govt Foreign Dept to the Asst Resident in Mysore

Forwards the usual Copies of the Regulation

In original

1910-11.

FILE No. 35 OF 1910-11.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENTS

(JUDICIAL AND LEGISLATIVE (LEGISLATION))

APRIL 1912.

"A" Collection: Serial Nos. 1—6.

Regulation for the Protection of Judicial Officers in Mysore.

TABLE OF CONTENTS.

Serial No. of File	Number and date of letter and contents	Page in A. Progs.
1	D. O. No. 2240, dated the 3rd May 1911, from Mr. T. Ananda Row, B.A., C.I.E., Dewan, to Colonel Hugh Daly, C.S.I., C.I.E., Resident in Mysore. Forwards a copy of a Bill to provide a law for the greater protection from civil liability of Magistrates and other officers in Mysore when acting in a judicial capacity with a statement of objects and reasons, and states that it is proposed to place it before the Legislative Council in due course.	
2	D. O. No. 2939, dated the 16th May 1911, from Mr. F. J. Richards, to Mr. T. Ananda Row, Dewan. States that there is no objection to the Bill being placed before the Legislative Council as proposed.	
3	Letter Pol. No. 449, dated the 14th November 1911, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore. Forwards a copy of the Bill as finally passed by the Legislative Council and requests that the sanction of the Government of India may be obtained for its being passed into law.	1
4	Letter No. 324, dated the 17th January 1912, from the First Assistant Resident in Mysore, to the Dewan. Conveys the sanction of the Government of India, subject to the usual reservation of power.	
5	G. O. No. J. 2723—Legis. 35-10-5, dated the 16th March 1912, to the Compiler, *Mysore Gazette*. Directs the publication of the Bill as Regulation No. 1 of 1912.	
6	Letter Pol. No. 868, dated the 13th April 1912, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore. Forwards the usual copies of the Regulation.	2

1910.

GENERAL AND REVENUE SECRETARIAT.

(LEGISLATION.)

NOTES.

FILE No. 35.

A Regulation for the Protection of Judicial Officers.

1. The Select Committee which sat for the consideration of the Code of Civil Procedure Bill now under the consideration of the Legislative Council have recommended the introduction of the Judicial Officers' Protection Act of the Government of India (XVIII of 1850), *vide* note under Clause 152A of the Select Committee's report.

2. Drafts of a Bill and the statement of objects and reasons are submitted for approval with draft D. O. to the Residency.

T. K. S.
10-1-11.
S. N.
10-1-11.

3. There seems to be no absolute necessity for an Act on the lines of the Judicial Officers' Protection Act of British India, as the general principles of liability under the Law of Torts exclude acts done judicially. Please see pages 116-119, Pollock's Law of Torts, Eighth, Edition, and Mayne's Criminal Law, pages 371-375. There is, however, no harm in embodying the law in a Regulation.

4. The usual drafts are put up.

S. HIRIYANNAYYA.
10-1-11.

5. Drafts may be approved.

H. V. NANJUNDAYYA,
17-1-11.

6. Yes.

T. ANANDA ROW
Dewan:
16-1-11.

7. Are there any other Acts in British India affording protection to officers of other departments for acts done in their official capacity? For instance. Revenue and Police officers.

K. P. PUTTANNA CHETTY.
25-2-11.

8. Submitted. It does not seem that any general Act has been passed in British India regarding Revenue and Police officers similar to the one now proposed. Please see pages marked by flags R, V and Z in the collection of Index to enactments in British India put up. It will be seen therefrom that protection is afforded to these officers by the several local Governments in British India by Acts relating to these departments. The course is also followed in this State in the Revenue Code and Police Regulation. *Vide* Section 223 of the former and 81 of the latter and also our Tank Panchayet Regulation. Submitted for further orders.

S. HIRIYANNAIYA.

T. K. S.
28-2-11.
S. N.
4-3-11.

9. The proposed Bill may be introduced. It will promote the independence of our Judges, Magistrates and Deputy Commissioners when acting judicially.

K. P. PUTTANNA CHETTY.
9-3-11.

10. I have already seen this and agree to the Bill being introduced.

H. V. NANJUNDAYYA.
17-3-11.

11. It is well to consult the Chief Court also. This may be done before submission to His Highness.

T. ANANDA ROW,
Dewan.
19-3-11.

U. O.
J. 32.

12. Forwarded, unofficially, to the Registrar, Chief Court, for favour of opinion of the Judges on the subject.

B. RAMASWAMAYYA,
Under-Secretary.
21-3-11.

13. I see no objection to the proposal. As the new Code has not yet been sanctioned could not Section 152 A be omitted altogether? The proposal to enact it and then at once to repeal it appears to be cumbursome.

ISMAY, *Chief Judge.*
25-3-11.

14. I am of opinion that the proposed Bill may be introduced.

P. S. K.,
Judge.
25-3-11.

15. I am also of that opinion; and I would at the same time suggest that the scope of the measure may be extended so as to protect Judicial officers not only from civil but from all other liability as well.

K. S. C.
27-3-11.

16. The file is retransmitted with the opinions of the Judges.

A. RAJARATNA MUDALIAR,
Registrar, Chief Court.
28-3-11.

Submitted for further orders.

C. K. S.
29-3-11.
S. N.
30-3-11

17. With reference to the suggestion of the learned Chief Judge, it is submitted that Section 152 A has been retained in the Civil Procedure Bill because the passing of the Judicial Officers' Protection Bill will take some time and the Civil Procedure Bill cannot wait till then; else there will be an interim during which Judges and Magistrates will not have protection either from the Civil Procedure Code or the new Act. The clause was only provisionally retained and hence numbered 152 A. In this view it appears that the draft Bill may remain as it is.

S. HIRIYANNAIYA.
30-3-11.

18. I agree. The subject of immunity from prosecution is dealt with in Sections 77 and 78 of the Penal Code.

H. V. NANJUNDAYYA.
30-3-11.

Submitted to His Highness.

19. The accompanying draft Bill for the Protection of Judicial Officers from being sued in Civil Courts for acts done by them in their official capacity has been prepared on the suggestion of the Select Committee on the Civil Procedure Bill. Similar provision exists in the Land Revenue Code and the Police Regulation for the protection of officers of the Revenue and Police Departments in such cases. The proposed legislation has received the approval of the Chief Court.

(2) The draft Bill, with the statement of objects and reasons and the draft letter to the Residency intimating that it is intended to place the Bill before the Legislative Council, may be approved.

T. ANANDA ROW.
15-4-11.

Order.

20. Approved.

K. R. W.,
His Highness the Maharaja of Mysore.
28-4-11.

1. D. O. No. 2248, dated 3rd May 1911, to Colonel Hugh Daly, C.S.I., C.I.E. Resident.

Forwards a copy of the draft Bill for the Protection of Judicial Officers and informs that it is proposed to place the same before the Legislative Council.

2. D. O. No. 2939, *dated 16th May 1911, from the First Assistant Resident.*

States that there is no *prima facie* objection to place the Bill before the Mysore Legislative Council.

Submitted for orders.

T. K. S.
20-5-11.
S. N.
22-5-11.

21. Submitted to 2nd Councillor for perusal.

S. HIRIYANNAIYA.
22-5-11.

22. If there is no objection the Bill may be published in the Gazette under Rule 32, as there is no likelihood of the Council meeting in the very near future.

S. H.
22-5-11.

23. I agree.

H. V. NANJUNDAYYA.
22-5-11.

24. Yes.

T. ANANDA ROW,
Dewan.
25-6-11.

25. Submitted with a draft notification.

T. K. S.
26-6-11.
S. N.
27-6-11.

26. (1) Issue.

27. (2) Let me see final clean draft.

S. HIRIYANNAIYA.
27-6-11.

28. Submitted. The Bill was published in the Gazette under Rule 32 and was introduced before the Legislative Council at the meeting held on the 11th September 1911, when it was resolved to take up and pass the Bill at a subsequent meeting of the Council. The sanction of the Government of India has to be

obtained before the Bill being finally passed by the Legislative Council. Submitted with a draft to the Residency for approval.

T. K. S.
19-10-11.
S. N.
20-10-11.

29. May be approved.

S. HIRIYANNAIYA.

30. Draft approved by 2nd Councillor, 25th October 1911.

S. HIRIYANNAIYA.
27-10-11.

31. Draft approved by Dewan on 14th November 1911.

32. Issue.

C. S. BALASUNDARAM IYER.
5-11-11.

3. No. Pol. 449, dated 17th November 1911, to the First Assistant Resident.

Forwards two copies of the Bill as finally adopted by the Legislative Council for obtaining the sanction of Government of India for its being passed into law.

4. No. 324, dated 17th January 1912, from the First Assistant Resident.

Informs that the Governor-General in Council has accorded his assent to the Bill on the usual understanding as to the retention by him of the power and authority vested in him by virtue of Article 19 of the Instrument of Transfer.

33. Submitted

T. K. S.
18-1-12.
S. N.
19-1-12.

34. Submitted to 2nd Councillor and Dewan for perusal.

S. HIRIYANNAIYA.
19-1-12.

35. H. V. NANJUNDAYYA.
21-1-12.

36. The Bill as approved by the Government of India was passed by the Legislative Council at the meeting held on the 21st February 1912. The sanction of His Highness the Maharaja has now to be obtained for its promulgation as law. Submitted with a copy for the Dewan's signature as required by Rule 52 of the Legislative Council Rules.

T. K. S.
24-2-12.

S. HIRIYANNAIYA.
26-2-12.

37 Dewan.

C. S. BALASUNDARAM IYER.
28-2-12.

Submitted to His Highness.

38. The Bill for the Protection of Judicial Officers was finally passed by the Legislative Council at the meeting held on the 21st February 1912. The assent of His Highness may be accorded to the promulgation of the Bill as law.

T. ANANDA ROW.
5-3-12.

Order.

39. K. R. W.,
His Highness the Maharaja of Mysore.
8-3-12.

40. Put up draft order.

[Dewan's signature to the Bill has to be obtained.]

S. HIRIYANNAIYA.
12-3-12.

41. Draft submitted for approval.

T. K. S.
12-3-12.
S. N.

42. Issue.

S. HIRIYANNAIYA.
12-3-12.

5. *No. J. 2723, dated 16th March 1912, to the Compiler, Mysore Gazette.*

Forwards the Bill, which received the assent of His Highness on 8th March 1912 for being published as Regulation I of 1912.

43. Submitted.

This may now be sent to the Dewan's office for obtaining the signature of the Dewan to the Bill as finally passed by the Legislative Council and approved by His Highness the Maharaja.

Submitted.

44. Spare copies of the Regulation have been received from the Press and have been compared. Copies have to be sent to the Residency as usual. A draft to the Residency is herewith put up.

S. V. S.
9-4-12.
S. N.
10-4-12.

45. Issue.

S. HIRIYANNAIYA.
10-4-12.

6. *No. Pol. 868, dated 13th April 1912, to the First Assistant Resident.*

Forwards ten copies of the Regulation, I of 1912, and requests that one copy may be forwarded as usual to His Highness the Nizam's Government.

Proceedings of the Government of His Highness the Maharaja of Mysore.

A Regulation for the Protection of Judicial Officers.

D. O. No. 2248, dated the 3rd May 1911, from Mr. T. Ananda Row, B.A., C.I.E., Dewan, to Colonel Hugh Daly, C.S.I., C.I.E., Resident in Mysore.

Serial No. 1.

I enclose herewith a copy of a Bill to provide a law for the greater protection from civil liability of Magistrates and other officers in Mysore when acting in a judicial capacity, with a statement of objects and reasons. The measure is the result of the recommendation made by the Select Committee on the Code of Civil Procedure Bill which has just been passed by the Legislative Council (*vide* note under clause 152 A of the Committee's report, of which a copy is enclosed for ready reference). The Bill is a very short and simple one and it is proposed to place it before the Legislative Council in due course.

A Bill for the Protection of Judicial Officers.

Preamble.

Whereas it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Non-liability to suit of Officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152 A of the Code of Civil Procedure, 1911, shall be repealed.

Statement of Objects and Reasons.

Although provision has been made in several of the existing enactments for the protection from civil liability, of officers acting in a judicial capacity, Government consider it desirable to provide for such protection in a single enactment. On the recommendation of the Select Committee of the Mysore Legislative Council that considered the Code of Civil Procedure Bill, the Judicial Officers' Protection Act, XVIII of 1850, of the Government of India has been taken as the basis of the present draft Regulation. Clause 2 of the Bill repeals Clause 152 A of the new Civil Procedure Code, about to become law, as it will not be necessary after the passing of this Bill.

D. O. No. 2939, dated 16th May 1911, from Mr. F. J. Richards, First Assistant Resident in Mysore, to the Dewan.

Serial No. 2.

I am desired to acknowledge the receipt of your D. O. letter No. 2248, dated the 3rd May 1911, forwarding a copy of a Bill for the greater protection of Judicial Officers in the Mysore State, and in reply, to say that there is no objection to the Bill being placed before the Legislative Council, as proposed.

Letter Pol. No. 449, dated the 27th November 1911, from the Secretary to Government, General and Revenue Departments, to the First Assistant to the Hon'ble the Resident in Mysore, Bangalore.

Serial No. 3.

I am directed to forward herewith a Bill to provide for the greater protection of Judges, Magistrates and other officers acting judicially in Mysore and to request that the sanction of the Government of India may be obtained for the Bill being passed as law.

A Regulation for the Protection of Judicial Officers.

2. Although provision has been made in several of the existing enactments for protection from civil liability of officers acting in a judicial capacity, the Durbar consider it desirable to provide for such protection in a single enactment. On the recommendation of the Select Committee of the Mysore Legislative Council that considered the Code of Civil Procedure Bill recently enacted as law, Judicial Officers' Protection Act, XVIII of 1850, of the Government of India has been taken as the basis of the present bill. Opportunity is also taken to repeal Section 152 A of the Mysore Code of Civil Procedure, 1911, as it will be unnecessary after the passing of this Bill as law. I am to add that the Bill was duly placed before the Legislative Council and adopted by that body at the meeting held on the 11th September 1911.

A Bill for the Protection of Judicial Officers.

Preamble.

Whereas it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

Letter No. 324, dated 17th January 1912, from Mr. P. B. Warburton, I.C.S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No. 4.

I am directed to acknowledge the receipt of Mr. Balasunda Iyer's letter No. 449—Pol., dated the 17th November 1911, forwarding for the sanction of the Government of India a draft of a Bill which the Durbar propose to enact to provide for the greater protection of judicial officers in the Mysore State.

2. In reply, I am to state that the Governor-General in Council has been pleased to accord his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer

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Order No. J. 2723—Legis. 35-10-5, dated 16th March 1912.

Serial No. 5.

That the Bill for the Protection of Judicial Officers which received the assent of His Highness the Maharaja on the 8th March 1912, be published for general information as Regulation, No. I of 1912.

Letter Pol. No. 868, dated the 13th April 1912, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore, Bangalore

Serial No. 6.

I am directed to forward herewith a copy of Regulation I of 1912, a Regulation for the Protection of Judicial Officers, with 9 spare copies, and to request that a copy may, as usual, be forwarded to His Highness the Nizam's Government.

A Regulation for the Protection of Judicial Officers.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

Whereas it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows :—

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

T. ANANDA ROW,
Dewan.

(7-N.35)

G.R.S.11] 1910

GENERAL AND REVENUE SECRETARIAT

(Legn)

NOTES.

File No. 35

FILE HEADING.

A Regulation for the protection of ~~prisoners~~ Press

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

1. The Select Committee which sat for the consideration of the Code of Civil Procedure Bill now under the consideration of the Legislative Council has recommended the introduction of the

NOTES—First sheet.

GPB—30,000—3-4-07

(F. N. 35)

2

Serial No.

(F. N. S
+ N-N

Judicial Officers' protection Act of the Govt of India (XVIII of 1850). vide Ch. under Cl. 152 A of the Select Committees report.

2. Drafts of a Bill ~~with~~ and the Statement of Objects & reasons are submitted for approval with draft D.O. to the Residency.

NS 25
10/1/11
SN (11)
10/1

2

3. There seems to be no absolute necessity for an act on the lines of the Judicial protection Act of B. India as the general principles of liability under the Law of Torts whether Govt servants or not acts done judicially. Please see pp 116-119 Pollock's Law of Torts, 8th Edition & Mayne's Criminal Law pp 371-375. There is however no harm in embodying the law in a Regulation.

4. The usual drafts are put up (Office – please type as revised)

Spl Cis and mill Mr Thorne 10/1/11. SN
Vehicle Statute containing subject referred to in the margin.

NS 10/1/11
10/1

Subject to D. Cowan's
Drafts may be sp
17/1/11

NOTE – Contn. sheet.

GPS—50,000—12-8-10

Debt 1284.
7805
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(2.11.38)

(3

F. R. S. 12]
General and Revenue
Secretariat.

Leg File No. 35 of 1910-11

Serial No.

Circulate
CS
27/2/11
SH
18/3/11

Are there any other Acts in Bri
India affording protection t
officers of other Departments
for acts done in their official
capacity? For instances, Rev
& Police Officers

HH Risley
25/2/11

Brett
Please note
CS
25/2/11
SH
25/3/11

3. Ans. It does not seem that any General
Act has been passed in B. India
regarding Revenue officers and Police offic
similar to the one now proposed. Please s
page marked by flags R, V & Z in the Coll
of Orders & Enactments in B. India publ
It will be seen therefrom that protection

NOTE—Cont.

GPB—50,000—12-8-10.

G. R. S. 12]
General and Revenue
Secretariat.

L&S File No. 35 of 19 10-11

Serial No.	
	affairs to those officers by the several local governments in British India by statutes relating to those departments. The course is also followed in this State in the Revenue Code and Police Regulation vide Sec 223 of the former & 81 of the latter. Such provision under which and also our Tank 7RS (35) 28/2/11 Panchayet Reg SN (11) 4/3/11 4/3/11 4
23/2 13.3.11	9. The proposed bill may be introduced. It will promote the independence of civil judges, magistrates & Deputy Commrs when acting judicially. 9/3/11
17/18.	I have already seen this & agree to the bill being introduced. 17/3/11
	Devan 18/3/11
10646 19.3.	It should be consulted the Chief

NOTE—Contn. sheet.

1 book

G. R. S. 12]
General and Revenue
Secretariat.

Leg File No. 25 of 19 10 11

(7-n) 35

Serial No.

Contd. No. may be true copy
from W.D.O. dtd 19/III
Dear

21-3-11

U.O. 31

Forwarded, unofficially, to the Registrar, Civil Courts, for favour of opinion of the Judges on the subject.

21-3-11

T. Ramanujam
Under Secretary.

21/3/11

III

29/3

5

3 I deem objection to the proposal. Can the new Code has not yet been sanctioned could not Section 152 A be omitted altogether? The proposal to enact it and then at once to repeal it appears to be cumbersome.

Chief Judge.

25/III/11

4 I am of opinion that the proposed bill may be introduced. Jud. P.S.K. 25/3/11

5 I am also of that opinion; and I would at the same time suggest that the scope of the measure may be extended so as to protect judicial officers not only from Civil but from all other liability as well. Jud. K.D.C. 27-3-11.

6. The Bill is returned

S.S. 77 & 78 Penal Code give the immunity required

30/3/11

No. 4398
27/3

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G.R. S. 12]
General and Revenue Secretariat.

Legn File No. 35 of 1910-11

Serial No.

with the opinions of the Judges.

D Loyalatwatte
Legn Chief C.

20 3 11

D. S.W. for further orders.

NDS (25) 29/3/11
SW (11) 30/3

17 With reference to the reason suggested by the learned Chief Judge it is submitted that Sec 152A has been retained in the C.P. Bill because the passing of the Judicial Procedure Bill will take some time and the C.P. Bill cannot wait till then — Else there will be an interim during which Judges and Magistrates will ~~lose the jurisdiction matter~~ not have protection either from the C.P. Code or the new Act — The Clause was only provisionally retained and hence numbered 152A. In this view it appears that the draft Bill may remain as it is.

6
S Ariyaratnam
30/3/11.

18 I agree The subject of immunity from process under ss. 77-78 of the Penal Code

2nd C Drieberg

1788

NOTE— Contn. sheet.

GPB—50,000—12-8-10

10-8-91
3-4-11

30/3/11

1/4/11

7.2.35

Submitted to His Highness.

H. 19 The accompanying draft bill for the Protection of Judicial officers from being sued in Civi Courts for acts done by them in their official capacity has been prepared on the suggestion of the Select Committee on the Civil Procedure Bill. Simila provision exists in the Land Revenue Code and the Police Regulation for the protection of officers of the Revenue and Police Departments in such cases. The proposed legislation has received the approval of the Chief Court.

Page 5 of three notes

H.

(2.) The draft bill, with the statement of objects and reasons and the draft letter to the Residency intimating that it is intended to place the bill before the Legislative Council, may be approved.

In

2.11.35

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

A bill for the protection of Judicial officers from being sued in Civil Courts for acts done by them in their official capacity.

15.4.11 1922

633.

Order.

Approved

KRW

28/4/11

May 11

Legis File No. 35 of 1910-11

Serial No.	
1	D.O. No 2248 dated 3/5/11
	To Col. Hugh Daly C.S.I., C.I.E. Resident
	Forwards a copy of the draft bill for the protection of Judicial Officers and informs that it is proposed to place the same before the Legislative Council
2	D.O. No 2939 dated 16th May 1911
	From the F.A. Resident
	States that there is no prima facie objection to place the Bill before the Mysore Legis Council
	Submitted for orders

20/5/11 SW(M) 22/5/11

21 Subdo 2nd for perusal

22/5/11

2nd If there is no obn, the bill may be published in the Gazette under rule 32, as there is no likelihood of the Council meeting in the very near future

9

11-8-37 / 29-5-11

22/5/11

2nd I agree

25/June

Dewan

22/5

R. S. 12]
General and Revenue
Secretariat.

File No. 35 of 1910-11

Serial No.	
25	Submitted with a draft notification ch (58) SN (11) 26/6/11 27/6 26 (1). Issue 27 (2) Let me see final Clean draft 27/6/11 27/6
28	Sd The Bill was published in Mi Gaz under Rule 32 and was introduced befo Mi Legislative Council at the meeting held on the 11th September 1911, when it was ~~Considered and adopted by Mi Council~~ resolved to take up and pass the Bill at a subsequent meeting of the Coun The Sanction of the Govt of India ha to be obtained before the Bill being finally passed by Mi Legislative Coun Submitted with a draft to Mi Secretary for approval. JKL (26) SN (11) 19/10/11. 20/10 29. may be appd 24/10/11
30	2nd (Draft) Draft appd by 2nd Secretary 5-10
	2.11 4065 11. Draft approved by Dewan 27/10/11 14.11.11 27.11 32. Issue

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G.R. S. 12]
General and Revenue
Secretariat.

Legn File No. 35 of 1910-11

Serial No.	
3	No Pol 469 dated 17/11/11
	to the F. A. Resident
	Forwards two copies of the Bill as finally adopted by the Legis Cl. for obtaining the sanction of Govt of India for its being passed into law.
4	No. 324 dated 17/1/12
	From the F. A. Resident
	Informs that the Governor General in council has accorded his assent to the Bill on the usual understanding as to the retention of by him of the power and authority vested in him by virtue of Article 19 of the Instrument of Transfer
	33. Submitted
	(5-8) SM(11)
	18/1/12 19-1-12
	34. Subd to 2nd Dewan for pursal
	19/1/12
	35.
	21/1/12
	22/1/12

(4627)
30.1.12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Leg File No. 35 of 1910

7-11-35

12

Serial No.	
26	The Bill as approved by the Govt of India was passed by the Legislative Council at the meeting held on the 21st February 1912. The sanction of H.H. the Maharaja has now to be obtained for its promulgation as law. Subd with a Copy for the Dewans signature as required by Rule 82 of the Legislative Council Rules.

JKS (25)
21/2/12

Shivagunam
26/2/12

Sec'y.

1530 L
29.2.12

37. Dewan

Commander-in-Chief
28/2/12

12

NOTE — Contn. sheet.

GPB—50,000—12-8-10

7.n.35

13

Submitted to His Highness.

Paper under dismissal.

38. The bill for the protection of Judicial officers was finally passed by the Legislative Council at the meeting held on the 21st February 1912. The assent of His Highness may be accorded to the promulgation of the bill as law.

P Chandavarkar
5 Mar

W

13

7 n.35

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

A Bill for the protection of Judi
cial officers.

5.3.12
19

489

Order.

30. ~~KRW~~
8/3/12

16

8/3/12

8/3/12 40 Revise draft as
[Dewan discussion to
the Bill has the assent]

2.11.25 15

G. R. S. 12]

General and Revenue Secretariat. Legs. File No. 38 of 1910 — 11

Serial No.	
42	Draft Bill for approval ND GA 12/8/12
43	Issued 12/3/12
5	No. J2723 dated ~~12/3/12~~ 16/3/12 To the Compiler Mysore Gazette forwards the bill, which received the assent of H.H. on 8/3/12 for being published as Regn. I of 1912
43	Submitted This may now be sent to the Dewan's office for obtaining the signature of the Dewan to the Bill as finally passed by the Legislature and approved by H.H. the Maharaja
	(58) 20/3/12 File received back with the Bill signed by the Dewan 21/3/12
44	Submitted The spare copies of the Regn. have been received from the Press and have been compared. Two copies have to be sent to the Residency.

15

NOTE—Contn. sheet.

77.25

16

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 35 of 1910 – 11

Serial No.	
	as usual. A draft to the Residency is herewith put up. (S.B.) SN(11) 10/4/12 9/4/12
	1st 2nd Srinivasamurthi 10/4/12
6	No. Pol. 868 dated 13/4/12 to the F. A. Resident Forwards 10 copies of the Regn. I of 1912 and requests that one copy may be forwarded as usual to H. H. the ~~Nizam~~ Nizam's Govt.
	16

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

Legis 35 of 1910-11
Serial 1

Respected Sir,

D.O.No. 2248 dated the 13th May 1911.

Bangalore,

From Rao Bahadur D. Anandrao Esq. B.A. C.I.E., Dewan, &
C.A. Hayne Esq. C.S.I. C.I.E., Residency, Mysore

My dear Sir,

I enclose herewith a copy of a Bill to provide a law for the greater protection from civil liability of Magistrates and other officers in Mysore when acting in a judicial capacity, with a Statement of Objects and Reasons. The measure is the result of the recommendation made by the Select Committee on the Code of Civil Procedure Bill ~~now under the consideration of the Durbar~~ which has just been passed by the Legislative Council (vide note under clause 152A of the Committee's report, of which a copy is enclosed for ready reference). The Bill is a very short and simple one and ~~I am to state that~~ it is proposed to

place it before the Legislative Council in due course.

Yours Sincerely,

T Munda Rao

The Hon'ble

Col. Hugh Daly C.S.I., C.I.E.,

Resident in Mysore.

A Bill for the Protection of Judicial Officers.

Preamble.

Whereas it is considered expedient to provide for the greater protection of Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:-

Non-liability to suit of Officers acting judicially for official acts done in good faith and of Officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially

2-A-35 4

shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute. if within the jurisdiction of the person issuing the same.

2. Section 102 A of the Code of Civil Procedure 1911 shall be repealed.

19

Statement of Objects and Reasons.

Although provision has been made in several of the existing enactments for the protection from civil liability, of Officers acting in a judicial capacity, Government consider it desirable to provide for such protection in a single enactment.

Following the recommendation of the Select Committee of the Mysore Legislative Council, that considered the Code of Civil Procedure Bill, the Judicial Officers' Protection Act XVIII of 1950 of the Government of India has been taken as the basis of the present draft Regulation. Clause 2 of the Bill repeals Section 152 A of the Civil Procedure Code, as it will not be necessary after the passing of this Bill.

x/ (E.g. Section 288 of the Civil Procedure Code.)

Offg. Secretary to Government

S.R.N./128.

Mysore Residency,

Bangalore, the 16 May 1911.

Dear Sir

I am desired to acknowledge the receipt of your D.O. letter No.2248, dated the 3rd May 1911, forwarding a copy of a Bill for the greater protection of Judicial Officers in the Mysore State. and in reply, to say that there is no objection to the Bill being placed before the Legislative Council, as proposed.

Yours sincerely

J. Richards

To

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
15.5.11.

G.R.S. 26]

File No. 352,

Serial No. 3

Diary No. of letter replied to

General and Revenue Secretariat

( )

the 19 .

To

The First Assistant to the
Hon'ble the Resident in Mysore
Bangalore

Date of issue 17-11-11

Signed by

Hon'ble Kumbakonam

Sir,

I am directed to forward
herewith a bill to provide f
the greater protection of judg
Magistrates and other officers
acting judicially in Mysore a
to request that the sanction
of the Governor in Council may be
obtained for the Bill being
passed as early

2

over.

SUBJECT.

2 Although provision has been made in several of the existing enactments for protection from civil liability of officers acting in a judicial capacity, the Durban Council consider it desirable to provide for such protection in a single enactment. On the recommendation of the Select Committee of the Natal Legislature appointed to consider the Code of Civil Procedure Bill recently enacted as Law, the portion of the Judicial Officers' Protection Act, 1850 of the Govt of India Act, XVIII of 1850, has been taken as the basis of the present Bill. Of the additions which have been made to the second section of the Act, the most important is that which extends the protection afforded by the Code of Civil Procedure, 1911, as it will be necessary after the passing of this Bill as Law. I am to add that the Bill was duly placed before the Legislative Council and with the amendments proposed by them was read at the meeting held on the 11th Sept 1911. I have &c

Sd (illegible)

Sd Natal Secretary

List of enclosures.

Nil

Copied by

Examined by

GPB—20,000—26-9-10

25/10/11

NOTIFICATION.

No. 374—L. C., dated 30th June 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the Protection of Judicial Officers is published for general information with a Statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill for the Protection of Judicial Officers.

Preamble.

WHEREAS it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

Although provision has been made in several of the existing enactments for the protection from civil liability of officers acting in a judicial capacity, Government consider it desirable to provide for such protection in a single enactment.

On the recommendation of the Select Committee of the Mysore Legislative Council that considered the Code of Civil Procedure Bill, the Judicial Officers' Protection Act, XVIII of 1850, of the Government of India has been taken as the basis of the present draft Regulation. Clause 2 of the Bill repeals Section 152 A of the new Civil Procedure Code as it will not be necessary after the passing of this Bill.

III
17-1-12.

No. 324

DIARY No. 1829

17-1-12.

FROM

Secy

P. B. WARBURTON, Esq., I. C. S.,

FIRST ASSISTANT ~~TO THE RESIDENT IN~~ MYSORE.

1911-1912

SECTION Legn

FILE No. 35 of 1910-11

SERIAL No. 4

To

The Dewan of Mysore.

Dated Bangalore, 17th January 1912.

SIR,

I am directed to acknowledge the receipt of Mr. Balasundaram Iyer's letter No. 449 Pol., dated the 17th November 1911, forwarding for the sanction of the Government of India a draft of a Bill which the Darbar propose to enact to provide for the greater protection of judicial officers in the Mysore State.

Legy
35-10

2. In reply, I am to state that the Governor General in Council has been pleased to accord his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

R. O. 2.—R. P. B.—8-1911.—3,000.

24

G.R.S. 28.]

Legis File No. 35-10
Serial No. 5

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

READ—

the 19

Date of issue 16-3-12

Signed by M S Aiyangar

Encls

ORDER THEREON.—No. J 2723 / Legis 35-10-5

That the Bill for the Protection of Judicial Officers which received the assent of H.H. the Maharaja on the 8th March 1912 be published for general information, as

over

SUBJECT.

25

GPB—10,000—19-4-10

Regulations No. 44 of 1912

Dr Asst Secy Agrt

Please compile Agrl Gazette for publication of the Regulations in the Gazette in Singhalese & for supplying 200 English 200 Tamil Copies thereof to this office and 200 Copies each to the Canada, Govt Book Depot for sale. Canadian translations will please also be sent for Checking

Dr

Expenses
Govt Printer
6-3-12

G.R.S. 26]

File No. 35-10

Serial No. 6

Diary No. of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 13-4-12

Signed by

Mr. C.S. Balasundaram

To

The F.A. Resident

in mysore, Bangalore

Sir

I am directed to forward herewith a copy of Regulation I of 1912, a Regulation ~~to~~ for the protection of Judicial Officers, with 9 spare copies, and to request that a copy may, as usual, be forwarded to His Highness the ~~Maharaja~~ Nizam's Govt.

I have &c

for Secretary to Govt

SUBJECT

24

9/4/12

C.B. 14/4

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

WHEREAS it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner, or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

P. ANANDA ROW,
Dewan.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

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2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

T. ANANDA ROW,
Dewan.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

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T. ANANDA ROW,
Dewan.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

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2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

T. ANANDA ROW,
Dewan.

REGULATION No. I OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation for the Protection of Judicial Officers.

Preamble.

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Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

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2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

T. ANANDA ROW,
Dewan.